IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 104 of 2005 (S/B)
&
Writ Petition No. 107 of 2005 (S/B)
&
Writ Petition No. 108 of 2005 (S/B)

COMMON JUDGMENT

Writ Petition No. 104 of 2005 (S/B)

Bhubaneshwar Prasad Dimri,
S/o Late Sri H.P. Dimri,
Presently posted as Librarian in
Government Post Graduate College,
Gopeshwar, District Chamoli. …… Petitioner

Versus

State of Uttaranchal,
Through Secretary, Higher Education,
Secretariat Dehradun, Uttaranchal & others. …… Respondents

Writ Petition No. 107 of 2005 (S/B)

Bijendra Singh Parmar,
S/o Sri Narendra Singh Parmar,
Presently posted as Librarian in
Government Post Graduate College,
Uttarkashi, District Uttarkashi & others. …… Petitioners

Versus

State of Uttaranchal,
Through Secretary, Higher Education,
Secretariat Dehradun, Uttaranchal & others. …… Respondents

Writ Petition No. 108 of 2005 (S/B)

Brij Mohan Singh Rawat,
S/o Sri Jaimal Singh Rawat,
Presently posted as Librarian in
Government Post Graduate College,
Rishikesh, District Dehradun. …… Petitioner

Versus

State of Uttaranchal,
Through Secretary, Higher Education,
Secretariat Dehradun, Uttaranchal & others. …… Respondents

Mr. S. Dhulia, Senior Advocate assisted by Mr. N.S. Pundir, Advocate for the petitioners.

Coram: Hon. Cyriac Joseph, C.J.
Hon. Rajesh Tandon, J.

ORAJ JUDGMENT: (Per Hon'ble the Chief Justice)

1. Since a common question arises in these writ petitions, they are being disposed of through this common judgment.

2. The petitioners are Librarians working in Government Colleges in the State of Uttaranchal. Their grievance is that the directions contained in Letter No. F 1-21/87-U.I. dated 22.07.1988 from the Ministry of Human Resource Development (Department of Education) regarding revision of pay scales of Librarians in Universities and Colleges have not been implemented by the State of Uttaranchal. The petitioners seek a direction to the respondents to give senior pay scale to the petitioners after completing 8 years of satisfactory service from the date of their initial appointment with retrospective effect and arrears of salary. They have also prayed for a direction to the respondents to grant selection grade to the petitioners after completing 14 years of satisfactory service from the date of their initial appointment. The above claims are made by the petitioners on the basis of the above-mentioned directions from the Government of India.

3. Before seeking a writ of mandamus to the respondents, the petitioners should have made a demand to the respondents and such a demand must have been either not considered or denied by the respondents. There is no material to show that such a demand was even made to the Government of Uttaranchal by the petitioners. Therefore, the prayer of the petitioners for a writ of mandamus to compel the respondents to give senior pay scale and selection grade to the petitioners cannot be entertained.

4. It is open to the petitioners to make a proper representation to the Government of Uttaranchal, in the light of the above-mentioned directions of the Government of India and other relevant facts and circumstances, requesting to grant senior pay scale and selection grade. We have no reason to assume that if such a representation is made by the petitioners, it will not be considered by the Government in accordance with law expeditiously. Learned counsel for the petitioners submits that the petitioners will make a proper representation to the Government of Uttaranchal within two weeks from today.

5. Hence, the writ petitions are disposed of with a direction that if any such representation is made by the petitioners, it shall be considered by the Government of Uttaranchal in accordance with law as expeditiously as possible and at any rate, within a period of three months from the receipt of the representation.

(Rajesh Tandon, J.) **(Cyriac Joseph, C.J.)**
14.06.2005 **14.06.2005**

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